

Appl. No. 10/064,134  
Response Dated 3/15/2004  
Reply to Office action of December 15, 2003

### Remarks

This case has been carefully reviewed in light of the Office Action dated December 15, 2003, wherein claims 1-4, 10-15, and 18 were rejected under 35 U.S.C. § 112, second paragraph; claims 1-4, 13-15, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by British Patent 1,572,204 (hereinafter British 204); claims 1-4, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 54-162,248 (hereinafter JP 248); an indication was made that claims 10-12, 18, 21, and 22, although not allowed, include allowable subject matter; and claims 5-9, 16, and 17 were allowed.

Claims 1, 10, 13, 16, 19, 21 and 22 have been amended. Claims 1-22 remain pending in this application. Reconsideration of the rejections in light of the amendments and the following remarks is respectfully requested.

### Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-4, 10-15 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Applicants amended the claims 1, 10 and 13 to clarify that "a working fluid" recited in these claims is the same in each recitation of the "working fluid" throughout in claims 1-4, claims 10-12 and claims 13-15. Applicants further amended claims 16, 21 and 22 for the same reason. Applicants further amended claim 16 to clarify that "said hybrid fuel cell" of claim 18 is indeed the "hybrid fuel cell" as recited throughout in claims 16-18.

Therefore, Applicants respectfully submit that the claims 1-4, 10-15 and 18, particularly as amended or depending from an amended base claim, are in compliance with 35 U.S.C. § 112.

### Rejections under 35 U.S.C. § 102(b)

Claims 1-4, 13-15, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by British 204, and claims 1-4, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 248. Applicants respectfully traverse these rejections in light of the amendments made.

### Claims 1-4, 19-22

Applicants have amended claims 1 and 19 to include a limitation of power being directed to dissipation device in response to specific transient condition presented to the power generating device. Support for the amendments can be found, for example, in Applicants' Specification Paragraph [0012].

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Applicants submit that British 204 or JP 248 (as Applicants understand the Japan language reference, based on the English Abstract and on the Figures) do not disclose the current amended claims 1 and 19, recitations of (with emphasis added):

1. An energy management system for a power-generating device coupled to a grid, said power generating device having a working fluid intake comprising:

an electrical dissipation device coupled to said power-generating device, said power generating device further configured to direct power to said dissipation device in response to a transient condition presented to said power generating device, said transient condition comprising at least one of a transient load condition and a non-load related transient event; and

a dissipation device cooling system, said dissipation device cooling system configured to direct a portion of said working fluid to said electrical dissipation device so as to provide thermal control to said electrical dissipation device.

19. A method of controlling a power-generating output of a power generating device comprising:

providing an electrical dissipation device coupled to said power generating device, said power generating device further configured to direct power to said dissipation device in response to a transient condition presented to said power generating device, said transient condition comprising at least one of a transient load condition and a non-load related transient event;

providing a dissipation device cooling system; and

opening said dissipation device cooling system to direct a portion of a working fluid to said electrical dissipation device so as to provide thermal control to said electrical dissipation device.

Claims 2-4 and claims 20-22, depend from claims 1 and 19 respectively, and are therefore believed to be in condition for allowance.

#### **Claims 13-15**

Claim 13 has been amended in a similar manner as claims 1 and 19 to include a limitation of power being directed to dissipation device in response to specific transient condition presented to the turbine generator. Applicants submit that British 204 does not disclose the current amended claim 13, recitations of (with emphasis added):

13. An energy management system for a steam turbine having a working fluid intake comprising:

a steam-generating device;

a turbine generator coupled to said steam-generating device, and said turbine generator coupled to a grid;

a dissipation device cooling system, said dissipation device cooling system coupled to said steam-generating device; and

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an electrical dissipation device, said electrical dissipation device coupled to an electrical output of said turbine generator for receiving a current therein, said turbine generator further configured to direct power to said dissipation device in response to a transient condition presented to said turbine generator, said transient condition comprising at least one of a transient load condition and a non-load related transient event,

wherein said dissipation device cooling system is configured to direct a portion of said working fluid to said electrical dissipation device so as to provide thermal control to said electrical dissipation device.

Claims 14-15 depend from claim 13, and are therefore believed to be in condition for allowance.

#### **Indication of Allowable Subject Matter**

The Examiner stated that claims 10-12 and 18 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. § 112, second paragraph.

The claims 10 and 16 have been amended appropriately in response to the Examiner's suggestion.

The Examiner stated that claims 21 and 22 would be allowable if rewritten in independent form.

Applicants submit that the amended claim 19 is believed to be allowable for the reasons as discussed above, and accordingly claims 21 and 22, which depend therefrom are believed to be allowable.

#### **Comments on Statements of Reasons for Allowance**

Claims 5-9, 16, and 17 were allowed with a statement about a control system operating in response to a condition of the turbine generator in combination with a fuel cell, an electrical dissipation device, and dissipation device cooling system. For the record, Applicants respectfully point out that independent claim 5 does not include a fuel cell and independent claim 16 does not recite a separate control system.

#### **Summary**

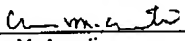
In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned

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representative at the telephone number below.

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